

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

SUSAN SHOEMAKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No.: 08 cv 14 SLR
	)	
CHELCIE McCONNELL and	)	Jury Trial Demanded
STACEY McCONNELL,	)	
	)	
Defendants.	)	

**DEFENDANTS CHELCIE McCONNELL AND  
STACEY McCONNELL'S MOTION TO DISMISS**

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March 18, 2008

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	)	
Defendants.	)	

**MOTION TO DISMISS**

Defendants Chelcie McConnell and Stacey McConnell move, pursuant to Rule 12(b)(2), to dismiss the above captioned action against them for lack of personal jurisdiction. In support of their motion, the defendants state as follows:

1. The plaintiff, Susan Shoemaker, has filed this action in the U.S. District Court for the District of Delaware. A copy of the complaint is attached as "Exhibit A".
2. Although the complaint does not state where the accident occurred, the defendants represent that the accident occurred in the State of Ohio. In addition, at all relevant times, defendants resided in the State of Ohio.
3. In order for the district court to properly exercise personal jurisdiction over the defendants, the defendants must have minimal contacts with the forum state with regard to the cause of action. *International Shoe v. Washington*, 326 U.S. 310, 319 (1945) (cause of action must "arise out of" or "relate to" the defendant's contacts with the forum); *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 472 (1985); *Grimes v. Vitalink Communications Corp.*, 17 F.3d 1553

(3d Cir. 1994), cert. denied, 513 U.S. 986 (1994). This contact may be specific or general in nature. *Grimes*, 17 F.3d at 1559 (discussing requisites for court's exercise of personal jurisdiction.)

4. Defendants have had no contacts with Delaware as a general matter or as specifically related to the accident.

5. Plaintiff has not presented any evidence establishing personal jurisdiction of the U.S. District Court for the State of Delaware over the defendants. *Hansen v. Neumueller GmbH*, 163 F.R.D. 471, 474-75 (D. Del. 1995).

6. Because the defendants lack the minimal contacts required for assertion of personal jurisdiction over them by this Court, this Court lacks personal jurisdiction to hear the matter.

WHEREFORE, for the reasons discussed above, defendants Chelcie McConnell and Stacey McConnell respectfully request that the instant motion to dismiss be granted.

Respectfully submitted,

/s/ Sarah C. Brannan

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Defendants.	)	

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, the Court having heard and considered Defendants Motion, IT IS HEREBY ORDERED that the above captioned case is DISMISSED with prejudice.

\_\_\_\_\_  
Judge